

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

CAMBRIDGE RETIREMENT SYSTEM,	)	CASE NO. 1:13-cv-1165
on behalf of itself and all others similarly	)	
situated,	)	JUDGE CHRISTOPHER A. BOYKO
	)	
Plaintiff,	)	
	)	<b>DEFENDANTS' MOTION FOR</b>
v.	)	<b>EXTENSION OF TIME TO MOVE,</b>
	)	<b>PLEAD OR OTHERWISE RESPOND</b>
INVACARE CORPORATION, <i>et al.</i> ,	)	<b>TO PLAINTIFF'S COMPLAINT</b>
	)	
Defendants.	)	

Defendants, Invacare Corporation, Gerald B. Blouch, A. Malachi Mixon, III, and Robert K. Gudbranson (collectively, "Defendants"), by and through their undersigned counsel, hereby move this Court for an Order granting them each an extension of time, up to and including October 26, 2013, to move, plead, or otherwise respond to Plaintiff Cambridge Retirement System's ("Plaintiff" or "Cambridge") Complaint. Alternatively, if Cambridge, or other lead plaintiff selected by the Court, chooses to amend the Complaint prior to October 26, 2013, Defendants respectfully request that they be granted forty-five (45) days from the date of the amendment to move, plead, or otherwise respond to the Complaint. A proposed order is attached hereto as Exhibit A.

On May 24, 2013, Plaintiff filed its class action Complaint For Violation Of The Federal Securities Laws against Defendants. On August 26, 2013, Defendants received the Waiver of Service from Plaintiff, thereby making Defendants' answers due by October 26, 2013. At the time of the Court's August 30 order directing Defendants to move or plead to the Complaint, or seek an extension of time (the "August 30 Order"), Defendants were preparing to return Waivers of Service completed, and did so on September 4, 2013. As a result, and in accordance with

Rule 4(d)(3), Defendants respectfully request they be provided sixty (60) days from the date of the Waiver of Service to move, plead, or otherwise respond to Plaintiff's Complaint. In addition, Plaintiff has indicated that they intend to file an Amended Complaint. Thus, alternatively, in the event Cambridge, or other lead plaintiff selected by the Court, chooses to amend the Complaint prior to October 26, 2013, Defendants respectfully request that they be granted forty-five (45) days from the date of the amendment to move, plead, or otherwise respond to the Complaint. Defendants have not requested prior leave to plead in this action. Further, Defendants do not file this Motion for purposes of delay or to gain an unfair advantage. Rather, Defendants submit that additional time is needed to investigate the allegations of the Complaint and to prepare an appropriate response thereto.

For the foregoing reasons, Defendants respectfully request that the Court grant the extension of time sought in this Motion and enter an Order, in the form of Exhibit A, granting them each an extension of time to move, plead or respond to Plaintiff's Complaint.

Respectfully Submitted,

/s/ Fritz E. Berckmueller

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Robert K. Gudbranson*

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was filed electronically on September 4, 2013. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/ Fritz E. Berckmueller

One of the Attorneys for Defendants, Invacare Corporation, Gerald B. Blouch, A. Malachi Mixon, III, and Robert K. Gudbranson